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DATE: April 9, 2008

TO	COMPANY	PHONE NO.	FAX NO.
Examiner Ibrahim	USPTO	571.270.1132	571.273.8300

FROM	Marc Hubbard	mhubbard@gardere.com
DIRECT LINE	214-999-4880	
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CLIENT/MATTER NO.	131195-1003	
TOTAL PAGES (including cover)	10	

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COMMENTS:

Response to Advisory Action

Application Serial No. 10/622,410

Filed July 18, 2003

Automated Configuration of Packet Routed Networks

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Appl. No: 10/622,410
Confirmation No. 4190
Applicant: Files, Kirby
Filed: July 18, 2003
Title: AUTOMATED CONFIGURATION OF PACKET ROUTED NETWORKS
Docket: 131195-1003
Customer No.: 32914

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: April 9, 2008

Signature: 

(Pam Kerr)

RESPONSE TO ADVISORY ACTION

Dear Sir:

This paper is in response to the Advisory Action mailed February 28, 2008. During a telephone conversation on April 9, 2008, Examiner Mohamed Ibrahim suggested to the undersigned representative that this paper be filed and that it state that during an interview on February 8, 2008, Examiner Ibrahim had indicated he would withdraw the final office action issued October 9, 2007, and issue a new non-final Office action. This is confirmed in the examiner's Interview Summary dated February 11, 2008 (copy attached for reference), the above-referenced Advisory Action (copy also attached), and Applicant's response to the Interview Summary (copy also attached).

Page 1 of 2

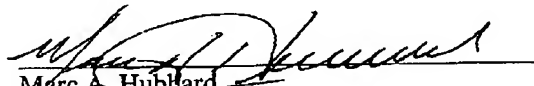
Application No. 10/622,410

Examiner Ibrahim further assured the undersigned representative that no additional response to the final rejection is required to be filed, that the Amendment After Final filed February 11, 2008 will be entered and that no additional extension fees will be due.

Applicant hereby authorizes the Commissioner to charge any fees due or overpayments made to Deposit Account No. 070153. The Examiner is respectfully requested to call Applicant's Attorney for any reasons that would advance the current application to issue. Please reference Attorney Docket No. 131195-1003.

Respectfully submitted,

GARDERE WYNNE SEWELL LLP


Marc A. Hubbard
Registration No. 32,506
ATTORNEY FOR APPLICANT

Date: April 9, 2008

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,410	07/18/2003	Kirby Files	131195.1003	4190
32914 7590 02/11/2008 GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761			EXAMINER IBRAHIM, MOHAMED	
DOCKETED <i>Response to Interview</i> DUE 3/11/08			ART UNIT	PAPER NUMBER
			2144	
			MAIL DATE	DELIVERY MODE
			02/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APR 09 2008

Interview Summary	Application No.	Applicant(s)	
	10/622,410	FILES ET AL.	
	Examiner	Art Unit	
	MOHAMED IBRAHIM	2144	

All participants (applicant, applicant's representative, PTO personnel):

(1) MOHAMED IBRAHIM (3) YENAME MESFIN

(2) MARK HUBBARD (Reg. # 32506) (4) _____

Date of Interview: 08 February 2008

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: Collins (US Patent No. 5845090)

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative and Examiners discussed the 101 issues as well as further clarification of the claimed invention as proposed. Based on the Applicant remark and the further clarification of the claimed invention over the prior art of record, does overcome the rejection as applied. Upon receiving Applicant's formal response, Examiner will perform new search and issue a non-final office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,410	07/18/2003	Kirby Files	131195.1003	4190
32914 7590 02/28/2008 GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761			EXAMINER IBRAHIM, MOHAMED	
DOCKETED <i>Advisory action</i> DUE <u>3/9/08</u>			ART UNIT	PAPER NUMBER
			2144	
			MAIL DATE	DELIVERY MODE
			02/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/622,410	Applicant(s) FILES ET AL	
	Examiner MOHAMED IBRAHIM	Art Unit 2144	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods.

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): 102(b).

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-27

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The request for reconsideration has been considered and found to be persuasive. Therefore, a subsequent non-final office action will be mailed by the Examiner.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____

William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144

Continuation Sheet (PTOL-303)

Application No.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No: 10/622,410
Confirmation No. 4190
Applicant: Files, Kirby et al.
Filed: July 18, 2003
Title: Automated Configuration of Packet Routed Networks
Docket: 131195-1003
Customer No.: 32914

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO EXAMINER'S INTERVIEW

Dear Sir:

Applicants file this paper in response to an interview with Examiner Mohamed Ibrahim and his supervisor Yename Mesfin on February 8, 2008. Applicants concur generally with the interview summary provided by the examiners. Discussed during the interview was a Proposed Amendment After Final and the primary reference relied upon by the examiner in the final rejection, namely U.S. Patent No. 5,845,090 to Collins et al. Applicants also provided a copy of Chapter 7 "Packet Communications Concepts" from the New McGraw-Hill Telecom Fact Book, 2d. edition, by Joseph A. Pecar and David A. Garbin, copyright date 2000, as evidence of what was generally known in the art at the time of invention concerning packet networks. The

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Application No. 10/622,410

examiner's supervisor indicated that the proposed amendments to claim 1 would likely overcome the § 101 rejection of claims 1-7. It is also applicants' understanding that the examiner's supervisor agreed that Collins et al. does not anticipate claims 1-27 and, therefore, the rejection under 35 U.S.C. § 102 will be withdrawn upon filing of this Amendment.

Applicants believe no fee is due for the filing of this paper. The Commissioner is authorized, however, to charge any fees due for this paper or overpayments made to Deposit Account No. 070153. The Examiner is respectfully requested to call Applicant's Attorney for any reasons that would advance the current application to issue. Please reference Attorney Docket No. 131195-1003.

Respectfully submitted,
GARDERE WYNNE SEWELL LLP

/Marc A. Hubbard/
Marc A. Hubbard
Registration No. 32,506
ATTORNEY FOR APPLICANT

Date: February 22, 2008

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